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CHARLES ELMORE CROPLEY
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Supreme Court of the United States

OCTOBER TERM, 1941.

No. 237.

WILLIAM G. WHEAT, PETITIONER,

VS.

FORD MOTOR COMPANY, A CORPORATION,
RESPONDENT.

MOTION FOR LEAVE TO FILE PETITION FOR REHEARING OUT OF TIME.

EVERETT MEYER,
WHITSON ROGERS,
MARTIN J. O'DONNELL,
Attorneys for Petitioner.

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MOTION FOR LEAVE TO FILE PETITION FOR REHEARING OUT OF TIME.

To the Honorable Supreme Court of the United States:

Petitioner states that the manuscript of the petition for rehearing herein was delivered to Mr. Kenneth Mendenhall, a law brief printer, at nine a. m. on November 6, 1941, with instructions by petitioner's counsel to Mr. Mendenhall to print said petition for rehearing and forward forty copies thereof to the clerk of the Supreme Court of the United States by air mail after service on the opposing counsel. That Mr. Mendenhall complied with said instructions and that forty printed copies of the said motion for rehearing were deposited in the United States mail during the afternoon of November 6 in accordance with the instructions of petitioner's counsel. That heretofore when briefs were so deposited in the United States mail they have been delivered to the clerk of the Supreme Court of the United States on the

following day by the postal authorities and that petitioner and his counsel believed that said petition for rehearing would be timely delivered by the postal authorities to the clerk of this court. That petitioner does not know why said forty copies were not delivered to the clerk of this court before November 8 as stated in the letter of said clerk to petitioner's counsel, and petitioner suggests that perhaps that the failure to deliver to the clerk on November 7 was due to weather conditions. Petitioner has been advised that sometimes the weather condition has prevented airplanes from going directly to Washington from Kansas City and compels the change of passengers and mail to steam trains at Cleveland, Ohio.

Wherefore petitioner respectfully prays that his petition for rehearing be now filed.

EVERETT MEYER,
WHITSON ROGERS,
MARTIN J. O'DONNELL,
Attorneys for Petitioner.

State of Missouri, County of Jackson, ss.

Kenneth Mendenhall of lawful age, being duly sworn upon his oath, states that the facts, matters and things set forth in the above and foregoing motion stated with reference to the acts of said Kenneth Mendenhall in printing and mailing the petition for rehearing therein mentioned are true to the best of my knowledge.

Kenneth Mendenhall.

Subscribed and sworn before me this 12th day of November, 1941.

My commission expires January 16th, 1945.

Dorothy I. Remley,
Notary Public.